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High School Legal Education Project

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HIGH SCHOOL LEGAL EDUCATION PROJECT

An understanding of the role of law in our society and an awareness of one's rights and responsibilities under the Constitution and federal and state laws are indispensable to the full exercise of citizenship. However, the law is more than a series of substantive rights and obligations to be recognized or obeyed. The law is a process permitting the nonviolent resolution of human conflict and, at times, a process through which change may be effected. An individual who understands the legal process and knows his legal rights and responsibilities is in a better position to resolve disputes and effect change peaceably. He is also in a better position to resist injustice. Unfortunately, many Americans do not understand the role of law in our society. In the last decade, there have been numerous efforts to improve the public's understanding of the legal process and its knowledge of the responsibilities and rights under the Constitution and the federal and state laws.¹ Yet the subject of law as a process, as well as a body of substantive rights and duties, is not

1. Noteworthy for its efforts to improve the teaching of the Bill of Rights in elementary and secondary schools is the Constitutional Rights Foundation, which cosponsored this pilot project. The Constitutional Rights Foundation is an independent, nonprofit organization of educators, businessmen and members of the legal profession. The aim of the Foundation is to improve the teaching of the Bill of Rights so that students may be better educated concerning their responsibilities and rights as citizens. The Foundation's goal is achieved by working with teachers, sponsoring conferences and workshops for students and teachers, and, in general, acting as liaison between the legal and educational communities.

significantly represented in the curricula of American secondary schools.

Increasingly, the legal profession is recognizing its responsibility to make the public more aware of individual and collective rights under the law and of the basic procedures of our legal system.² Many local bar associations throughout the country maintain attorney-speaker bureaus through which a teacher may arrange for an attorney to speak to a class on various areas of the law. Similarly, judges and attorneys are usually quite willing to spend time with students, explaining court procedures or a particular legal case when a class visits the local courts on a field trip. However, since the attorney is not trained as an educator, many attorney-speaker programs are often unsuccessful.³ The attorney visiting the classroom often speaks over the heads of the students or down to the students, rather than with them. In discussing a specific legal topic with which he is familiar, the attorney frequently fails to relate the specific area of the law to the overall operations of the legal process. Thus, the burden of providing the class with any basic knowledge of the

2. The California Council on Criminal Justice has funded a six-year pilot project in the California schools. The cosponsoring organizations of the "Law in a Free Society Project" are the State Bar of California and the University of California Law School and Extension Services.

3. In referring to a local bar association attorney-speaker program, one teacher commented: "My greatest impression of these sessions was of a communications problem between students and the speaker. The kids had come to learn some of the basic rules and the lawyer was telling them, more or less, how he did his job. The thing reminded me of a professional football quarterback trying to explain a play to people who didn't play football. They wanted to know things like what the goal posts and yard markers were for and what the object of the game was. But the quarterback talked about pulling guards, zone defenses and post patterns."

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law and the legal process falls largely on the teacher.

Just as most attorneys lack sufficient knowledge of educational methods to teach the law, the teacher is handicapped by his lack of knowledge of the law. Through the use of legal education curricula, developed by various educational foundations, and other legal resources, the teacher may be able to educate himself and his class in certain areas of the law. In addition, the undergraduate study of constitutional law can, if updated, equip the teacher to instruct his class in that area. However, the process and substance of the law is voluminous and complex, and self-education by the teacher requires such a significant commitment of time and effort that many teachers simply avoid the subject.

The conviction that law students could overcome some of the problems encountered by other legal education programs and could reduce some public ignorance and misconceptions regarding the law inspired the development of the Golden Gate Legal Education Project. The project was designed to combine the legal knowledge of the law students with the teaching abilities of high school teachers in an attempt to teach San Francisco Bay Area high school students a limited amount of substantive law and to develop their understanding of the legal process. Not only could law students establish a more continuous working relationship with high school classes, but, since they were closer in age to the high school students, they could perhaps relate better to the students in the classroom.

Law students were to act as sources of legal knowledge for the teachers,

to work with the teachers in developing new legal curricula, and to help select teaching methods to meet the needs and interests of each class. Finally, the law students were to act as a liaison between high school classes and the legal community, answering the classes' and teachers' legal questions, arranging for guest speakers, such as attorneys and police officers, and helping the teachers organize mock trials, moot courts and court tours.

The following project goals were developed:

1. To provide high school students with a basic knowledge of substantive law relevant to their lives and to develop the students' understanding of the American legal system;
2. To explore several methods of teaching law in high schools;
3. To prepare and encourage high school teachers to teach law to their students;
4. To encourage schools to adopt legal education as a formal part of secondary school curricula; and
5. To encourage the further involvement of the legal profession, particularly law schools, in similar public legal education activities.

The realization that each class of high school students, each high school teacher and each law student are unique in terms of needs, interests and capabilities was a principal factor in determining the project's approach. We initially considered developing a uniform plan to be followed by all participants in the project. Our classroom experiences seem to indicate that uniform curricula may perhaps be used with students of varied verbal capabilities by varying the teaching methods and the levels of abstraction

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in presenting the materials. However, since we intended to use a team teaching approach, providing a law student for each class, we decided to develop individualized courses to fit the needs and interests of each class. Such an approach seemed to afford the broadest coverage of legal subject matter and teaching methods. This approach also seemed most likely to equip the teacher participants to teach law relevant to the lives of their students.

Organization and Administration

Twenty-four law student tutors worked with twenty eight high school teachers⁴ at fourteen San Francisco Bay Area high schools.⁵ A total of 901 high school students participated in the legal education project between early October and December 15, 1971. During that period, the length of the course varied in each class from eight to ten weeks.

The decision to implement the project primarily in San Francisco high schools was made because the physical resources of the project were located in San Francisco⁶ and because the ten public and fifteen parochial

4. The number of teacher participants exceeds the number of law tutors because one tutor worked with three teachers and another, with two teachers who had combined their American Government classes.

5. See list of schools in the Appendix to this report.

6. Golden Gate College, School of Law, and the Northern California Chapter of the Constitutional Rights Foundation are located in San Francisco. The majority of law students involved also live in the city. The four schools in neighboring counties (Marin, Alameda and San Mateo counties) were tutored by law students living near those schools. Selection of a particular high school was not made because a law student lived nearby; rather, once the school was selected, an attempt was made to assign a law student who lived in the vicinity.

high schools located in the city were composed of students from diverse academic and socio-economic backgrounds.

In fact, the diversity of teachers, law tutors, schools and students involved in the project was great. The students represented varied educational backgrounds and educational aspirations and almost every conceivable socio-economic and ethnic group. Students at a few schools pursued legal research in local law libraries, while students in other schools could barely read or had difficulty speaking English.

The teachers ranged from lawyer and ex-law student to those with little legal knowledge. All were white with one exception: one black teacher. Of the twenty-eight teachers in the project, only four were females.

Although a few law tutors had some previous teaching experience, most had none. There were only two minority students, none of whom was black. All law tutors were males.

As diverse as the persons involved were the schools within which they worked. The schools included academically-oriented college preparatory schools, private parochial schools, and schools located in lower socio-economic areas of San Francisco attended primarily by students who would not attend college. Also included was a continuation high school for students who had previously dropped out of other public high schools. One school offered a choice of three rooms for a single class role playing activity; another school could hardly muster a projector for films. It was felt that this cross section of urban high schools would provide a

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good testing ground for the project.

It is important to explain the time framework within which the project was organized. A knowledge of the time limitations on the project helps to explain some of the problems encountered in classroom implementation.

A law review, by its very nature, is usually limited to one year in which planning, project implementation and publication must take place. A project-oriented law review seeking to define and solve a community problem requires that the participants fit their projects into an academic year time period even though the activities may not naturally fall into such a time framework. The course had to be conducted during the fall semester of 1971 and could not be delayed until the spring, 1972, semester. The High School Legal Education Project covered an eleven-month schedule.

The Board of Editors that planned this project was selected in April, 1971: the law student staff members who participated as high school law tutors, in June. With the commencement of the law and high school fall semesters in September, 1971, the law tutors and teachers were organized into teams with classroom activities beginning early October and continuing until December 15. Prior to the Christmas recess, a questionnaire about students' opinions regarding the project, law and law enforcement was administered to students in the project.⁷ Law students' mid-year examinations in January left little time for extracurricular activities like law review. However, during December and January, tutors and teachers

7. In a few classes, the questionnaire was administered in January, 1972. For an analysis of the students' responses, see p. 75.

prepared written evaluations of their particular class experiences.⁸ The months of February and March, 1972, were left for writing and editing this issue, which went to press in April.

Law Student Selection

Selection of the twenty-four law student tutors to participate in the project was made by the Board of Editors on the basis of personal interviews. Criteria for selection included interest in and commitment to the project, time available for project participation, prior teaching experience,⁹ and academic standing.

Our experiences indicate that the available time factor is critical for effective law student participation. Law school is a full time activity, and law students participating in law review projects must commit many free hours to their projects. It is, therefore, imperative for those who plan projects similar to this one to schedule classroom activities so that they least conflict with law students' own law school commitments. It is equally important that law students be willing to schedule their own classes so as to permit free time during the week to attend the high school classes. It should be impressed upon prospective law student participants that they can expect to spend from four to eight hours per week in preparing for class, in actual classroom participation, and in planning

8. Samples of law tutor and teacher evaluations are reprinted in the Appendix to this report.

9. Seven of the law student tutors had prior teaching or student teaching experience.

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and evaluation sessions with their team teachers.¹⁰

Teacher Selection

While selection of law students was in progress, members of the editorial board made teacher selections. Our initial list of teachers was supplied by the Constitutional Rights Foundation from among teachers who had previously participated in CRF programs and had used CRF materials. These teachers, in turn, suggested other teachers who were subsequently contacted. A letter was sent to each teacher explaining the proposed project and interviews were scheduled with teachers who expressed interest in the project.

Our most important criterion in teacher selection was interest in the proposed project. We did not require teachers to have prior legal knowledge or to have taught law prior to our project. An attempt was made to include teachers of different ages, political perspectives and teaching philosophies.

Law Student and Teacher Preparation

"The teachers have the expertise in teaching and the law students, the expertise in the law." These words were frequently articulated and included in most letters describing the project. The use of the word "expertise" was perhaps a little presumptuous. Half of the law tutors

10. The weekly time commitment will vary with the number of visits the law student tutor makes to the class each week and the type of activity scheduled. Lengths of planning and evaluation sessions with the team teacher will also vary depending on the value the team places on such sessions and the law tutor's sophistication in teaching and the teacher's knowledge of the law.

selected were beginning their second of three years of law school study and had not yet studied one of the legal areas that might be covered in the project.¹¹ Likewise, the expertise of a few teachers in various teaching methods, such as role playing, was questionable.

A seminar for law tutors was held in early September. The seminar was designed to familiarize law tutors with the legal educational curricula available and to discuss the substantive topics of the law to be covered in many of the high school classes. An educational consultant¹² discussed teaching methods successfully employed in other programs designed to teach legal material to high school students. Emphasis was placed on teaching techniques that actively involve students in the substantive material--role playing, field trips, mock trials and films.

In early October, a project orientation was held for teachers and law tutors. The primary purpose of the orientation was to inform the participants of the scope of the project and of the resources available, and to motivate them. Representatives of the Constitutional Rights Foundation and the Bar Association of San Francisco attended. The

11. Second year law tutors had not covered the First Amendment in their classes. However, they developed sufficient knowledge in this area with the help of third year editors and staff members. Some of the miscellaneous legal topics covered by a few tutors, such as draft, drug and juvenile law, are elective courses in law school, and tutors presenting these areas had background in them.

12. Richard Weintraub, Educational Consultant for the Southern California Chapter of the Constitutional Rights Foundation, lectured on educational methods. Samples of films on the Bill of Rights were shown, and a role playing skit on small claims court, performed.

proposed questionnaire to be administered to students at the conclusion of the project was explained. A role playing skit was performed by a district attorney and policeman.¹³ Teachers and law tutors acted as victims, suspects and police officers to illustrate how this teaching method can be used to teach legal principles and police tactics.

At the orientation, one teacher suggested that high school students be included in any future orientations to offer their suggestions, and another teacher suggested that the role playing activities and proposed mock trials be filmed or video taped at those schools that have facilities. Still another teacher suggested that small group meetings be held periodically throughout the project with editors, tutors and teachers from one particular school.¹⁴

Introducing the Project into the Classroom

To make the administration of the project in the classroom manageable, the twenty-four law tutors were assigned to five project editors. Assignments of tutors to teachers were made. Each editor had the responsibility of implementing the project through his tutors. Some tutors preferred working at a school in a particular area or in a particular type of school.

13. The street arrest role playing skit was designed by Stacy Walthall of the Alameda County District Attorney's Office and Jim Horne of the Oakland Police Department, both of whom actively participate in Alameda County Schools' legal education activities.

14. No such meetings were held. Meetings were held between five staff members and their editor during the course of classroom implementation. Law tutors had an opportunity to discuss their problems with each other, and, quite often, their experiences were helpful to the other tutors.

As nearly as possible, such preferences were accommodated in making assignments.

When assignments were completed, each project editor arranged an introductory meeting between the teacher and law tutor. These initial meetings allowed tutors and teachers an opportunity to become acquainted and to discuss their ideas on how the project could be most effectively implemented in their classes. Some teachers voiced a desire to begin class instruction in a certain legal area.¹⁵ A few teachers had no strong feelings as to where the classroom instruction should begin and left the matter entirely to the tutors. Still other teachers and tutors agreed that the best approach was to outline possible legal topics that could be covered and permit the students to select the subjects of greatest interest to them.

Not surprisingly, those teachers with definite ideas as to which area of the law should be covered first were those with the greatest legal knowledge of the Constitution and the American legal process. Generally, these teachers had already planned to emphasize the Bill of Rights as part of their courses. In those situations, the law tutors served as resources to update and supplement the teachers' knowledge. The tutors also answered questions and covered areas of the law in which students expressed interest and with which the teachers were unfamiliar.

15. In all cases, these teachers wanted to begin with Bill of Rights materials, either the First Amendment free speech guaranties or the Fourth, Fifth and Sixth Amendments criminal due process guaranties, and proceed to other areas of the law if time permitted.

The few instances in which the teachers left the course of instruction to the law tutors' decisions seemed to occur in either the "rap session, free hour" type class,¹⁶ or in those civics classes in which the teachers wanted to pursue their regular civics lesson plans and use the law tutors' visits as a course within a course. Generally, these teachers lacked any significant legal knowledge and the law tutor, in fact, became a substitute teacher one or two days per week. This second classroom approach, in contrast to the first, resulted in less continuity of instruction in the tutor's absence.

Almost half the teachers and law tutors elected a third approach. The tutors visited the classes and outlined the purposes of the project and the areas of the law that could be covered. They solicited the students' views as to which areas were most interesting to them.¹⁷ This approach was highly recommended by those who used it. They felt that class participation in course planning ensured initial student interest and involvement in the project. Furthermore, the tutors generally felt that such introductory meetings helped them develop rapport with the classes.

16. Three law tutors participated at schools that conducted "free hour" classes. They were optional to those students who cared to visit. The classes were scheduled for late afternoon, and, although there were always regular class visitors, there was also a flow of new students at each class meeting. Here the law tutors talked with the students about areas of the law that concerned them.

17. Generally, students expressed greatest interest in the areas of the First Amendment and the Fourth Amendment right against unlawful search and seizure.

Classroom Implementation

In attempting to provide high school students with a basic knowledge of substantive law relevant to their lives and an understanding of the American legal process, selected legal topics were covered. Certainly, all of the law relevant to high school students, or to any citizen, could not be covered in any eight- to ten-week legal education course. The interests expressed by the students required the inclusion of certain legal subjects, and time and resource limitations excluded others. Legal subjects covered in the various classes included contracts, landlord and tenant, consumer protection, juvenile rights, draft law and voting rights. However, the primary emphasis was on the individual's rights guaranteed by the United States Constitution under the Bill of Rights.

Bill of Rights

The students verbally expressed the greatest interest in such areas as the First Amendment right to free expression, the Fourth Amendment privilege against unreasonable search and seizure, and the Sixth Amendment right to counsel. Also, high school civics classes through which much of the project was implemented cover many areas, such as separation of powers, that complement these constitutional law areas. The greatest knowledge and interest among project teachers was in the area of the Bill of Rights. Finally, perhaps no other area of the law offers so great an opportunity to illustrate the American legal process than do the legal controversies surrounding the constitutional guaranties embodied in the Bill of Rights.

The goal of the Bill of Rights instruction was to develop the students'

abilities to recognize and examine how an individual's rights under the Constitution frequently conflict with the interests of society and to understand how the courts attempt to resolve the conflicts. The methods of instruction in this area varied with each class.

Generally, instruction on the Bill of Rights began with classroom lectures and discussions on the meaning of and the reasons for the individual rights guaranteed by the Constitution. Most classes made use of the excellent films available in this area.¹⁸ However, based on the amount of student interest and teachers' and tutors' opinions, the most successful method of teaching the Bill of Rights was role playing activities. The most widely used role playing activities were the classroom mock trial and moot court.¹⁹ These activities provided students the

18. A list of films available appears in the Appendix to this report. One law tutor commented: "The most successful classroom teaching method was to show a film to introduce the material and stimulate interest. The film was followed by a general discussion of the area of law and a role playing reenactment of the issues. This method was flexible enough for the teacher and me to guide the class. Extra time was devoted to troublesome areas and interesting issues and topics were expanded. This method actively involved students and was varied enough to sustain student interest. It allowed for integrating other resources, such as a local court tour, a class visit by an assistant district attorney, and a tour of the local police station."

19. A mock trial is the role playing re-creation of a courtroom trial. Generally, a trial involves a judge and a jury. The attorneys for each party attempt to convince the jury of certain facts by presenting witnesses and other forms of evidence. Throughout the trial, the judge ensures that proper court procedures and rules of law are followed. The jury considers questions of fact raised by the controversy, such as "Did Larry fire the gun at John?" The judge determines the applicable rules of law and gives them to the jury in the form of jury instructions. He instructs the jury to apply them to the facts. As an example, the judge might say, "If you find that Larry fired the gun at John, then you must find Larry guilty of

opportunity to discover and experience how the American legal process operates to resolve conflict while, at the same time, learning substantive legal rights.

Directly involving as many students as possible in a role playing exercise is more important in some classes than in others. Indirect participants may become bored and not profit from the efforts of the active participants. This problem must be dealt with at the individual class level. Teachers and tutors who perceived this to be a problem attempted to involve every student in the class in some role playing capacity, for example, as jurors at a mock trial.

The consensus of teachers and tutors who used the mock trial or moot

assault with a deadly weapon." The outcome of the case is usually determined by the quality of evidence presented to the jury and the credibility of the witnesses.

The moot court is a simulation of an appellate court proceeding. After the verdict is rendered at the trial court, the losing party may feel the verdict is unjust and appeal the decision to a higher court for review. There are no juries at the appellate level. The appellate court may not review questions of fact that have been decided by the trial court jury, but must restrict its review to questions of law. That means that the appellate court must only consider the losing party's attorney's arguments that the trial court erred either in interpreting the law as applied to the facts of that particular case, or that the law as applied is unconstitutional. For example, the attorney might say, "Although my client's speech in the park did violate the local ordinance, that ordinance violates his right to free speech under the First Amendment and, therefore, is unconstitutional." After the attorneys have argued their cases as to why the original decision should be upheld (allowed to stand) or reversed (overturned), the judges arrive at their decision. They can uphold the original verdict, reverse it and remand it to the lower court for retrial, or they can order a verdict for the losing side. The judges normally accompany their decisions with written opinions that give reasons for their decisions.

court techniques was that the vast majority of classes responded enthusiastically to the change from passive education to active participation and role playing. Most students enthusiastically prepared for the events. In the opinion of most law tutors, the majority of their students were able to relate moot court/mock trial legal hypothetical cases to other legal precedent.

First Amendment

That an individual has a right to free speech under the First Amendment is recognized by most high school students. That the First Amendment similarly guarantees freedom of assembly, of religion, and of the press is probably recognized by many others. Yet, how many high school students understand the meaning and scope of these rights or the reasons for their existence? On the assumption that most students do not understand the meaning and purpose of the First Amendment, and on the basis of expressed student interest, more than half the classes spent from one to four weeks on the subject.

Notwithstanding the seemingly absolute language of the First Amendment, the scope of an individual's rights guaranteed under this amendment has been widely debated both in and out of the courts. By examining selected decisions of the United States Supreme Court over the last fifty years, one can appreciate the evolution of the scope of the amendment.

Instruction on the First Amendment generally began with a lecture by the tutor or teacher regarding the creation and purpose of the amendment. Student discussion of the subject was encouraged by the use of two excellent

films²⁰ that dramatize free speech issues and ask the students to judge the issues based on the arguments presented. Whenever possible, personal students experiences²¹ or public events, such as the "Pentagon Papers," were employed to sustain student interest in First Amendment issues. The goal was to interest and involve as many students as possible in each discussion. In the opinion of the teachers and tutors, this goal was best achieved by relying little on lectures and by emphasizing active student participation in role playing activities.

The predominant role playing activity employed in the First Amendment area was the classroom moot court.²² In preparation, tutors or teachers explained appellate court procedures and outlined the tasks of the attorneys for the petitioner/appellant (the person appealing the lower court decision) and for the respondent/appellee (the party defending the lower court decision).²³ The role of the appellate court justices was also explained. Copies of the United States Supreme Court cases on

20. *The Bill of Rights in Action-Freedom of Speech*, Film Associates; and *The Bill of Rights: A Series-Speech and Protest*, Churchill Films. See Audio-Visual Aids list in the Appendix to this report. Both films were made available by the Constitutional Rights Foundation. Students, teachers and tutors agreed that the films effectively dramatized free speech issues and led to lively discussions.

21. One school was embroiled in a controversy over the school administration's right to censor the school newspaper.

22. In fact, all moot courts focused on First Amendment problems.

23. DeAnne F. Sobul, *How, When and Where Should Freedom of Speech Be Limited?*, (1968), provided the source from which the lectures were taken. This publication also explains the difference between trial and appeal, civil and criminal cases, and state and federal courts.

a First Amendment issue²⁴ were distributed to the appellants' and respondents' "attorneys," "justices" and observers.²⁵ Following an analysis of the assigned cases--a series that reflected the evolution of one aspect of the First Amendment, the fact situation of a recent Supreme Court decision was distributed and the students prepared their written and oral arguments using as precedents the assigned cases. After oral arguments, the "justices" rendered an opinion that was evaluated by the class and compared to the actual Supreme Court decision.

In contrast to the moot court activity, one class staged a speech and protest drama based on the facts of a Supreme Court case. Five white students were assigned roles of black demonstrators parading on a courthouse lawn in South Carolina. Each made a sign protesting school segregation. A black girl was assigned the role of a white southern mayor, and a Latino assumed the role of the chief of the police. Students were not told how to play their roles. The remainder of the class acted as white hecklers and troublemakers. The "black" demonstrators marched around the classroom carrying their signs and singing "We Shall Overcome." Hecklers hissed, booed and threw wads of papers representing sticks and stones. The police chief reported the demonstration to the mayor who responded with an order for the demonstrators to disperse within fifteen minutes.

24. See Cases For Moot Courts, p. 331.

25. The method of selection varied from class to class. Some classes were divided into three groups and the students selected the role playing representatives from their groups to act as attorneys and justices. In other instances, the teacher selected the participants.

They refused and were arrested. The drama provoked animated student discussion of free speech and assembly issues under the First Amendment.

Considering the diversity of the classes, it is difficult, and probably of questionable validity, to generalize about the success of First Amendment instruction. The teachers and tutors who used the moot court activity concluded that the students generally were able to focus on the legal issues presented and to argue and resolve the issues by applying legal precedent. Two teachers administered their own substantive tests²⁶ and concluded that students had developed a better understanding of First Amendment concepts. Students and some teachers criticized some of the cases assigned as too long and tedious,²⁷ and others, which were edited versions of very long cases, as too oversimplified to be of much value.

Criminal Due Process

The area of law that received the broadest coverage in project classrooms was the right of the individual to criminal due process under the Fourth, Fifth, and Sixth Amendments to the Constitution.²⁸ Criminal due

26. One examination is reproduced in the Appendix to this report.

27. One group of students protested that some of the Supreme Court opinions were intentionally written to confuse the reader, an observation with which many law students might agree.

28. These amendments and the Eighth Amendment prohibition against cruel and unusual punishment define the scope of government power in the American criminal process. The Fourth Amendment guarantees the individual's right to privacy and protects him against unreasonable searches and seizures; the Fifth guarantees the individual's privilege against self-incrimination and his right to due process of law; and the Sixth guarantees the individual's right to a public jury trial and includes his right to the assistance of counsel. These rights are obligatory on the states through the Fourteenth Amendment.

process is a controversial and ever changing area of law. Its relevancy to high school students is undeniable. Certainly, many project students will never have occasion to invoke their criminal due process rights. Hopefully, only a few will encounter the American criminal process as the objects of that process. However, to these students, the rights embodied in the Fourth, Fifth, and Sixth Amendments will have immediate significance. But the fact that immediate relevancy of criminal due process is limited to a minority of project students does not minimize its importance to all students and citizens. Although the students may never perpetrate crimes, they may be the victims of crimes, jurors, jailers, and they are part of the society that has the power and responsibility to ultimately define the meaning of criminal due process in America and the related areas of crime prevention, imprisonment and rehabilitation. Neglect in educating high school students in this area of the law is a significant failing of American education.

Ignorance of an individual's right to criminal due process impedes the student's ability to resist injustice both to himself and to his fellow citizens. The object of instruction in this area was to make the student aware of what his rights are and to instill some perspective as to the theoretical purpose and everyday meaning of those rights.

The Fourth, Fifth, and Sixth Amendments represent three related areas of criminal due process, and the three were generally covered as a unit. Methods of presentation of the areas fell into four categories: lecture and discussion; films and discussions; guest speakers; and role

playing and mock trials. The experiences of the teachers and tutors illustrate the usefulness of each method or combination of methods.

As with other areas of law covered during the project, instruction in criminal due process generally commenced with a lecture and discussion of the elements and meaning of criminal due process. Films that dramatize issues regarding the individual's right to counsel and against unreasonable searches and seizures²⁹ were widely used to encourage student thought and discussion in the area. Students in a few schools mentioned personal experiences with policemen that involved searches and sometimes arrests, and many others raised questions concerning their rights in the area.

Guest speakers were invited most frequently to discuss the area of due process. Nearly one third of the tutors arranged for class visits by local attorneys³⁰ or police officers to discuss various aspects of criminal due process. Most tutors reported that students seemed to receive the police officers with more interest and questions than they did

29. *The Bill of Rights: A Series-Search and Privacy and Interrogation and Counsel*, Churchill Films; and *The Bill of Rights in Action Series-The Story of a Trial*. See Audio-Visual Aids list in the Appendix to this report. The films were provided by the Constitutional Rights Foundation and used to sustain student interest in the absence of the law tutors.

30. The attorney-speakers were members of the local district attorney's or public defender's offices, an attorney with a criminal law practice, and a law professor who teaches constitutional law and criminal due process.

the attorney-speakers.³¹

The teachers and tutors employing guest speakers often attempted to relate the visit to some other class activity, such as a court tour, classroom mock trial, or other role playing activities. In three classes, police officers were involved in role playing skits with the students. In one class, two police officers agreed to play the roles of policemen in a stop and search skit.

While lectures, films and guest speakers provided the theoretical background for due process criminal rights, the teaching method preferred by most teachers and tutors, and that heavily relied upon to improve the students' understanding of the everyday application of criminal due process, was role playing. The most complex role playing activity was the mock trial, but dramatic skits were performed by students based on actual cases concerning searches and arrests or on real life situations improvised by the tutors and students themselves.³² The tutors and

31. Tutors could not explain this phenomenon. One tutor who arranged for visits by both an attorney and a policeman suggested that perhaps the greater interest in the police was due to the strong stereotyped opinions of "cops" or "pigs" held by many students. Most of the students had probably never had an opportunity to discuss such subjects as searches, arrests, police brutality, or police problems in the calm atmosphere of a classroom. For a few students, their only relations with the police had been hostile confrontations. The opportunity to meet a policeman as an individual who admitted that acts of police brutality and intimidation do occur but who also tried to give the students an idea of the problems a policeman encounters was a unique experience for most students.

32. While the most common role playing skit involved street arrest and search and seizure problems, others included interrogations on the street and in the station house, and community feeling about police and street crime.

teachers were almost unanimous in their praise of such role playing skits.

One teacher noted:

For some students, [lecture, film and discussion methods] were productive; however, it wasn't until the class role played an arrest procedure and an actual mock trial that the project gained life and a high degree of interest on the part of students.

One tutor working with a class of minority students, several of whom had experienced searches and arrests, said of the role playing skits:

Situations produce reactions. The more animated the situation, the more animated the reaction. These students need to be confronted with situations related to their experiences. In my first class, we acted out scenes of searches and arrests and filmed the sequences. The students generated great enthusiasm for this method of experiencing and related well to the situation portrayed.

However, another tutor working with a class comprised primarily of recent immigrants to the United States, many of whom had language problems, described his search and arrest role playing skit attempt as follows:

The class was to play the roles of police, district attorney, victims and witnesses. The format was purposely very general, and students were to conduct themselves 'as you think the person you are playing would act in real life.' Each remaining student in the class was given an alibi in the event he was arrested. The stage was set; the lights came up; and the scene died. Why? The students could not build the characters they were to portray. Shyness, lack of general knowledge of the everyday workings of the law, and a multitude of related problems, including language, eliminated success.

These classroom experiences indicate that such role playing skits are not always useful, but must be considered with reference to the particular class. It should be reemphasized, however, that teachers and

tutors generally reported that role playing activities were valuable methods of involving the class in discussions of criminal due process.

A mock trial often culminated the activities in the criminal due process area. This activity gave the students the opportunity to experience the judicial process of applying legal principles to fact situations often drawn from actual cases. Using actual cases permits students to compare their decisions with recorded decisions of the courts. The students were divided into groups of victims, defendants, attorneys for the prosecution and defense, and judges, with the remainder of the class acting as jurors.³³ Finally, the drama was staged and the jurors were asked to render a verdict.

Certainly, the mock trial encourages the students to develop and apply knowledge in a particular area of the law. However, the value of the mock trial is not limited to the amount of substantive legal knowledge gained. The activity challenges students to assume roles of various courtroom actors and to analyze a problem from within that perspective. As attorneys, the students must prepare legal and factual

33. In over half the mock trials, tutors acted as judges since they were equipped to point out the formalities and steps of the trial and to apply their knowledge of evidence and courtroom protocol. In some instances, additional parts were assigned to include court clerk and bailiff to encourage greater identification with the exercise. The desirability or necessity of involving every student in some role will vary with each class. Some tutors and teachers thought that students not playing roles were free to formulate questions and to analyze the trial. Others felt that failure to involve each student in some role caused boredom. However, it is suggested that prevention of boredom is not accomplished by assigning a student a role of a person in the courtroom who himself has a boring, mechanical job.

arguments, and, as jurors, they must seek to resolve questions of fact and to consider the reliability of various witnesses.³⁴ This opportunity to discover and experience the function of the legal process was viewed by most teachers, tutors, and students as an unusual and invaluable learning experience.

Contracts

That the law of contracts affects the lives of everyone is obvious when one considers the number and variety of contracts he has entered into in his lifetime. A teacher has an employment contract with his school. Many persons own life insurance or auto insurance and have contracts with insurance companies. In the wake of Congress' lowering the voting age to 18 in federal elections, many states are passing statutes enabling 18 year olds to enter into legally enforceable contracts, making the law of contracts relevant to high school students.

Eight law tutors presented material on the law of contracts to their classes. Their purpose was to develop students' understanding of what a contract is, how it is made, and to give students some idea of the extent to which contracts may affect their lives. The emphasis was on the purpose of contracts rather than on developing students' knowledge of the

34. One tutor developed a rumor game to illustrate the problems that the legal system faces when it has to rely on human senses and memory. Ten students were removed from the classroom while the remainder of the class viewed a film strip showing a police officer stopping and frisking a black man. Each of the ten students was instructed to return to the class, one at a time. A student who had seen the film strip described the situation to the first student to return, and he, in turn, to the next student, and so on. The tutor noted that this technique vividly illustrated how misconceptions are formed.

many laws of contracts. However, specific attention was given to important aspects of sales contracts, such as warranties, contract disclaimers of liability, and interest clauses. The success of the presentation of contracts material was judged in terms of expressed student interest. In viewing the success of the tutors' efforts in terms of expressed interest, it became apparent that interest varied with the teaching methods.

All but one of the tutors restricted coverage of contracts material to one week or less.³⁵ Five of the tutors used a lecture and discussion approach. The law tutors lectured on various elements of a contract and attempted to involve students in discussions by focusing on hypothetical cases or questions that the students themselves raised. One tutor demonstrated how a legal dispute could be resolved in small claims court by using one student's contract problem. However, the consensus of the tutors using the lecture-discussion method was that student interest was short lived, and the tutors' inability to excite the class with contracts materials motivated them to move on to other subjects.

The experience of one tutor indicates that student interest can be sustained by using a more discovery-oriented teaching method. Here, the tutor distributed copies of contract case hypotheticals,³⁶ presented a

35. Generally, contracts and other legal subjects were covered after classes had completed instruction on the Bill of Rights. Thus, in many cases, the course was almost over since the Bill of Rights unit often covered five to eight weeks of the project. Also, less curricula materials were available in the area, such as films, upon which a teacher could rely in the tutor's absence. Most teachers were reluctant to teach contracts with which they had little or no familiarity.

36. *Basic Contract Unit*, 1 Golden Gate Law Review 125-145 (1971).

lecture on contracts and encouraged discussion of the hypotheticals. Students were asked to locate different kinds of contracts at home and to bring them to school. As the students returned with contracts for the purchase of home appliances and televisions and various insurance contracts, the tutor challenged them to spot the contract warranties, disclaimers, interest charges and other terms of the contracts. Other students wrote their own contracts which the class analyzed.

Based on our experiences, it appears that the teaching method most likely to interest students in the study of contracts is one which not only explains the laws of contracts and their importance, but also allows students to use the information in a practical manner--analyzing a real contract or writing their own.

Landlord and Tenant

Four tutors covered landlord-tenant law. Many of the students' parents were tenants, as were some of the students themselves, and personal experiences regarding disputes with landlords, or with tenants in the cases of those whose parents owned apartments or houses, were plentiful. One teacher was quick to relate a current problem with her landlord. As a result, the students seemed to respond more to lecture and discussion of landlord-tenant problems than to contracts problems.

One teacher tutor team spent two weeks on the subject using a variety of materials and teaching techniques. The subject was introduced by lectures and discussions of basic landlord and tenant rights and duties under California law. This was followed by a two-day visit to small

claims and municipal courts to hear landlord and tenant cases.³⁷ Two speakers visited the class to discuss two particular applications of the law. The two-week period terminated with dramatic skits concerning landlord-tenant problems prepared and performed by students.

Juvenile Rights

Since most of the students involved in the project were under the age of 18 and are minors under California law, many had questions regarding their legal rights as juveniles. The area was not treated as a separate legal topic, but rather was discussed as questions arose in relation to some other area of the law--contracts and minors' rights to criminal due process under the Constitution.³⁸

Assault and Battery

Classroom discussions on assault and battery were encouraged by using student role playing skits to demonstrate the concepts.³⁹ Most students appeared to enjoy this subject, especially the skits, and, at one school, a student prepared a day's lesson on assault. However, the few tutors who did present material in this area felt that most students expressed some difficulty in understanding the difference between criminal

37. Although the teacher and tutor felt the class visits to small claims court were valuable, they did encounter problems with scheduled cases when a landlord or a tenant failed to appear.

38. Discussion focused on *In re Gault*, 387 U.S. 1 (1967), the leading case on minors' rights to criminal due process.

39. Most classroom discussion and lecture was based on *Battery Unit* and *Assault Unit*, 1 Golden Gate Law Review 147-169 (1971).

and civil assault and battery.

Consumer Protection

In an attempt to introduce his class to the field of consumer protection, one tutor prepared a lecture on the subject based on his own law school consumer protection class.⁴⁰ The tutor discussed various consumer problems with the class and informed them of the local, state, and federal agencies to which they could take consumer problems and from which they could obtain further information. To demonstrate how a federal agency deals with a consumer problem, the tutor focused on the Federal Trade Commission and asked the class to consider the problem of deceptive advertising on television. Nearly every student in the class, including those who normally did not participate in class discussion, was eager to describe a commercial that he considered deceptive. The tutor explained how the FTC solves, or fails to solve, particular consumer problems.

Voting Rights

Since many of the students would be eligible to vote in the 1972 presidential election, one teacher-tutor team anticipated great interest in a presentation on the area of voting rights law. Through presentation and discussion of Supreme Court cases in the area, emphasis was placed on

40. After covering the area of contract law with his class, another tutor arranged for the classroom visit by a local practicing attorney represented as being knowledgeable in the area of consumer protection. Instead, the guest speaker concentrated on his own specialty, bankruptcy, which the tutor considered too technical for the class and probably unrelated to the problems most of them would face as consumers.

the expanding nature of voting rights culminating in the Voting Rights Act of 1970 and its interpretation in *Oregon v. Mitchell*, 400 U.S. 112 (1970). This subject covered one week and the tutor felt the students understood the issues involved. However, both the tutor and the teacher noted a general lack of student interest in the subject which they had not anticipated and could not explain.

Draft Law

In response to students' questions regarding draft laws, one tutor arranged for a classroom visit by a draft counselor.

Court Tours

The evaluations of project teachers and tutors indicate that class tours of local courts⁴¹ provide an interesting and valuable experience for students. As moot courts and mock trials were extolled as useful vehicles for involving students in legal problems and allowing them to experience the process of legal conflict resolution, so, too, were court tours.

Nearly all classes participating in the project visited a court, and a few classes visited the courts on more than one occasion. One class spent three days observing an entire murder trial, and some other classes visited appellate courts following visits to trial courts. The particular

41. An urban area like San Francisco offers a wide variety of courts, from small claims court to the California Supreme Court. However, most California high schools are within a short distance of a justice or municipal trial court, and a visit to a court of appeal or the appellate division of a superior court can usually be managed in one day.

court proceedings observed by the students varied, as did the types of courts visited. However, the procedures followed by the tutors to affect each court tour were quite uniform.

Prior to the tour, tutors usually devoted one class period to an explanation of the California court system and often the federal court system. Courtroom procedures and manners were also discussed, and an attempt was made to tell the students something about the trial or proceeding they were going to see.⁴² Tours were followed by a classroom question and discussion period regarding the experience. Tutors usually found these post-tour discussions to be quite active and reported that many students seemed to approach the legal material with greater enthusiasm after the tour.

A court tour is not difficult to arrange. Most courtrooms are open to the public and anyone may walk in and take a seat to watch the proceedings. However, because of the number of people involved, most courts would appreciate a phone call to the court clerk to set a mutually convenient date for class visits. This also helps the tutor and teacher select a day when there will be a variety of courtroom activities.

Several tutors contacted the judge, or his clerk, in whose courtroom

42. In fact, information about the nature of each case was usually not available before the day of the visit. Most of the pre-tour emphasis was on the jurisdiction and purpose of the court that the class was to visit. One class prepared to see an obscenity trial by studying the subject in class and was disappointed when asked to leave by the prosecuting attorney who feared that the presence of high school students would affect jurors.

the class would be visiting, and asked the judge to speak to the students. Such requests usually met with cooperative, and often eager, responses. Some judges talked with students and answered questions in their chambers after the sessions. Others explained the points of the trial as it progressed, and attorneys for both sides talked to students before or after the proceedings.

Certainly some courts will be more interesting to certain students than to others, and often a trial or other court proceeding may prove boring to the students, if not to the courtroom participants themselves.

One tutor reported a court tour as follows:

In the morning the class observed a murder case in the Superior Court where the issue of insanity was being tried. Before the proceeding started, the judge welcomed the class to his court and explained to them the history of the case. He related the novel defense that was being relied on in the case of 'psychopathic intoxication.' The portion of the case observed by the class consisted exclusively of expert testimony by psychiatrists. It was interesting at first, but, as the lunch recess neared, the students were becoming inattentive and bored. At lunch, a student noted cynically that one of the jurors had slept during a substantial part of the morning session.

In the afternoon, the class observed a jury trial on a drunken driving charge. This case was more to the students' liking. It provided just enough suspense and drama to hold their attention. The defendant was a young man of substantial means. He had a very good lawyer and his chief witness was a beautiful woman who had been with the defendant at the time of his arrest.

From a legal education standpoint, the trial was good for the students. They were able to observe

proper trial procedure. The opposing attorneys asked good questions of the witnesses and raised a number of dramatic objections on which the judge had to rule. Witnesses' testimony was interesting in the sense that much of the testimony was conflicting, thus forcing the jury to decide certain fact questions purely on the basis of the greater credibility of one witness over that of an opposing witness.

In all cases, care in selecting the court to be visited, pre-tour orientation, and a conscious effort to relate the court tour to classroom studies and activities can make the tour educational as well as entertaining for the students.

Problems encountered during the Project

One significant problem encountered during the project concerned the team teaching effort. Generally, the relationships between teachers and law tutors were satisfactory. That was anticipated since the program was voluntary and one would assume that teachers interested in working with the Golden Gate Law Review staff would be willing to expend the necessary energy to ensure the project's success. It is important to point out, however, that at least one third of the law tutors who participated in the project expressed marked disappointment in the working relationship with their teachers.

The reluctance of either the law tutor or the teacher to meet and plan the course is perhaps not crucial to its success. The energy of one can overcome the lethargy of the other. It is tragic, however, to handicap the enthusiasm and knowledge of either participant by denying one the

resources and abilities of the other. The evaluations submitted by the tutors and teachers all seemed to indicate the importance of careful planning. Only the tutors expressed doubt about the willingness of his partner to meet and plan. Perhaps there are reasons for this reaction. Teaching was generally a unique experience for the tutors. It was an opportunity to leave the academic environment of the law school and actively participate in the community. The experience produced a feeling of making a significant social contribution. The teacher, on the other hand, remained in his daily routine. There were other courses to plan, and he could not afford to devote excessive time to the law project. The teachers who were most unwilling to plan were also the most uninformed about the law. Perhaps these teachers had misconceptions about the curricula offered by the law review. We did not offer a refined product. Yet, an attempt was made to ensure that this was understood. Regardless of the reasons, some teachers were unwilling to spend their time planning and, consequently, the project in that class suffered.

In schools where adequate planning occurred, two methods were used. Some teacher-tutor teams did the majority of their planning before commencing the project. In so doing, they avoided long planning sessions during the administration of the project, but did so at the expense of flexibility. Perhaps, this method would be successful if the proposed curricula had been tested and proved successful in prior use.

Our experience indicated that if it were possible to allow teachers and law tutors more time for the project, the extra time would best be

used in planning and development. The initial planning should be sufficient to provide a substantial foundation for the course but be flexible enough to avoid rigidity. Planning must also include preparation for problems peculiar to a particular class, such as race, language and existing bias.

The project was reported as most "successful" in those classes where the teacher had developed a substantial legal course prior to his participation in this project. With this as a planning base, the added resources were used to complement and fill existing gaps. This ideal was the exception rather than the rule. It is necessary, however, for the participants in the project to be willing to devote sufficient time to planning in order to develop a workable schedule prior to classroom presentation of the material. Unless the teacher has a previously developed course that merely requires some modification, preparation will undoubtedly require significantly more time than the teacher normally devotes to class preparation.

Approximately the same number of tutors who criticized teacher preparation in planning commented derogatorily about the teacher's classroom effort. Similar comments were absent from teacher evaluations. The most common tutor complaint was against his use as a substitute teacher. The teacher, in several cases, used the law student as a means of avoiding preparation for and participation in the classes attended by the tutor. Not only was this practice foreign to the concept of the project, it placed an unfair burden on the tutor. In most cases, he was not trained

as a teacher nor equipped to handle the myriad problems that arise in the classroom. Law tutors commonly criticized their own lack of teaching ability. Understandably, some material is best taught by the law tutor. When this situation arises, the teacher should be willing to coach the tutor in the art of teaching. The teacher should not expect a "free ride" from the project by expecting the law tutor to take over his class twice a week. It is understood that the teacher has as little knowledge of the law as the law tutor has of teaching methodology. Only by combining the knowledge of both can a complete project emerge.

In the same vein, some law tutors suspected that the teacher did not follow through with relevant material on the days when the tutors were absent from the classes. They felt that some teachers were slaves to the prescribed text and were unwilling or unable to effectively teach anything else. Without their substitute teacher present in the classroom, the teachers' only alternative was to return to the textbook. Needless to say, such a practice contributed nothing to the continuity of the project.

As previously mentioned, those courses that were most successful were administered by teachers who were active in law or had some prior knowledge of legal concepts. This strongly suggests that teachers should participate in a familiarizing course prior to conducting a legal education course in their classes. The amount of legal knowledge necessary for the teacher who will be working with a law tutor could probably be covered in a matter of hours. Basically, such a course would aim at familiarizing the teacher with legal terminology and only the most basic of legal concepts. It is

recommended that a three or four hour seminar be conducted for each subject to be covered in the course. The law tutor and teacher could attend together those seminars that deal with material they propose to cover in their individual class project. Seminars, together with planning, could serve to bolster the teacher's knowledge of the law and furnish a basis upon which he and the law tutor could structure their project.

It is anticipated that law tutors will not always be available to participate as active team teachers. This is particularly true in areas that have no law schools nearby. It has therefore been suggested that, as high school legal curriculum becomes refined, law tutors be phased out and, accordingly, the education of teachers, stepped up. We have considered this alternative, as have others, but still feel that at present there is an important place in the classroom for the law tutor.

There were numerous administrative problems that should easily be eliminated in the future. Some of these problems were unique to this project as they stemmed from the resource material available. Films were hard to schedule. There was only one copy of each film, and, since each class began approximately at the same time, the demand was impossible to fill. The police patrol car rides were unavailable to most classes because of the restrictions on dates of availability (Friday nights only) and the popularity of the event.

Some problems are more difficult to deal with and more general in nature. Tutors and teachers repeatedly criticized a guest speaker whose

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address was more appropriate for a businessmen's luncheon than a group of high school students. The problem was more acute in those schools where a language problem existed. Guest speakers must be chosen carefully for their particular knowledge. Once selected, they must be briefed thoroughly about what they are expected to cover and how they can best communicate with the particular class in question. Having an attorney visit the classroom may impress students, but it will do nothing to enhance their knowledge unless the attorney speaks their language.

There were complaints expressed about the materials available. A charge was leveled at the overemphasis on male-oriented material, suggesting that more situations be included that would relate to women. Some participants expressed a strong criticism about the middle-class slant of much of the material. A program administered in a ghetto school cannot expect to reach students when the situations presented are not within the scope of student experience. A concerted effort must be made to ensure that students are not forced to relate vicariously to the instruction through some hazy television illusion.

There was almost unanimous comment by tutors regarding the type of instruction used. All tutors severely criticized the lecture method. That is not to say that the lecture method should be entirely abandoned. Some subjects do not lend themselves readily to any other form of communication. However, there is a danger that the teacher may come to rely on the lecture as the most expedient method of instruction. While requiring less planning and preparation, lectures often leave even "good" students

disinterested. The study of law is a relevant course that affects the daily lives of students. It should be taught with that in mind. The students should not be deprived of the excitement and enthusiasm that can be generated by a unique and energetic approach to teaching.

Many participants in the project voiced doubt that eight weeks (the length of most courses) was sufficient time to adequately treat the subjects. The reasons for this particular time schedule have been discussed above. However, there was time lost within the project that might have been saved by advance planning. When guest speakers or field trips are scheduled, there should be an alternate lesson plan in the event the planned activity must be postponed.

Most projects were implemented through civics classes. This had advantages and disadvantages. Civics teachers are better prepared to assimilate and pass on material that relates to the subject matter of the designed civics course. On the other hand, civics is not viewed as a "hard subject." As a result, most classes were scheduled in the afternoon, often as the last class of the day. This factor also contributed to disrupting the time schedule. The last period was often sacrificed for assemblies, pep rallies and football games. This project was often forced to compete with other special programs available to students. It was also difficult to convey new and different material at a time when students' attention spans were waning.

The language problem encountered by some tutors in the classroom has been alluded to throughout this discussion. The problem, when encountered,

had a significant impact on the project and merits special note.

The problem emerged in the so called "ghetto" schools. In one school, there was almost no common language upon which to base the course. A scant knowledge of English provided the language tool with which many of the students were to attempt to understand the law.

The most important step in overcoming a language difficulty is recognition of the problem. A teacher who spends every working day in the classroom may become accustomed to the problem and fail to mention it while planning with the law tutor. Such an omission could be fatal. Some concepts that are necessary for an adequate comprehension of specific areas of the law are difficult to teach. Compounded by a language barrier, it may be impossible to deal with these concepts unless special planning occurs.

Teaching teams that encounter language problems may be faced with eliminating material from the curricula. The team must carefully weigh the complexity of the legal subject with the magnitude of the language deficiency. If it is felt that the concepts will be lost when phrased in a vocabulary understandable by the students, the topic should be dropped.

Language problems can severely limit the success of a guest speaker program. The nature of the problem should be discussed with the speaker prior to the speaking date. Once appraised of the problem, the speaker should adjust his presentation so that a class period is not lost.

The final tragedy of an unrecognized language deficiency is that

there is no feedback from the students. A language barrier may create shyness and an unwillingness to attempt communication. Silence may be interpreted as apathy instead of a lack of comprehension. Without feedback, the team might go forward with a faulty course or attempt adjustments without sufficient direction for the changes. In either case, the value of the project is reduced or lost. Unless there is communication from students to teacher, the worth of the project is trusted to luck.

Project Evaluation

Any evaluation of the High School Legal Education Project must make reference to the five original project goals: to impart some basic legal knowledge to the high school students; to explore teaching methods for this purpose; to prepare and to encourage teachers to teach law; to encourage schools to adopt legal education as part of their formal curricula; and to encourage greater involvement of the legal profession and law schools in public legal education activities.

The extent to which we succeeded in providing high school students with a basic knowledge of substantive law relevant to their lives cannot be measured. As many of the project teachers observed, our failure to define behavioral objectives and to develop means of measuring them probably renders invalid any definitive conclusions regarding achievement of the first project goal. This deficiency in defining behavioral objectives indicates the need for greater coordination with the educational community; however, it does not necessarily mean that the project failed to teach a limited amount of relevant substantive law to the students involved. Indeed,

the opinions of the teachers, tutors, and students indicate that we did achieve this goal.

It should also be emphasized that transferring substantive rules of law, measurable or not, was not the primary objective of the project. We hoped that exposure to the law through law students would encourage high school students to develop interests in some legal areas, and that these interests would lead to a more sophisticated understanding of the legal system.

The project explored several methods of teaching law to high school students. Project experiences indicate that conclusions regarding effectiveness of teaching methods must be made with reference to the particular context in which they are employed. Our experiences also indicate that students like variety, and that one teaching method should not be used to the exclusion of others. Rather, a combination of lecture, discussion, films, field trips, guest speakers, and role playing activities can all be used to improve the students' understanding of the law and the legal process.

Most project teachers expressed an intention to continue teaching law to their students. This indicates some success toward our third goal of encouraging and preparing high school teachers to teach law in the classroom. However, the meaning of the phrase, "prepare teachers," must be qualified. We did not prepare teachers in the sense of training them to teach law. Rather, the project made available certain resources that the teacher could use for his own preparation in teaching law. It is our intent that this publication will encourage teachers to begin teaching law

to their classes and will aid those currently involved in high school legal education in expanding their programs.

We hope that the High School Legal Education Project experiences will advance us toward our fourth goal--the adoption of legal education as part of secondary school curricula. A small amount of project publicity has generated over fifty letters of inquiry from secondary school teachers, principals, and superintendents throughout the country. Clearly, there is interest among educators in exploring the possibility of offering legal education to high school students.

The fifth goal is twofold: to provide the educational community with legal resources necessary to teach law to high school students and to encourage the legal profession to become involved in this type of legal education program. Inspired in part by our project, deans of four California law schools have met with directors of the Constitutional Rights Foundation to consider developing high school legal education projects through their schools. It is hoped that this publication will inspire similar activity at other law schools throughout the country. It is our belief that the primary responsibility for greater involvement of the legal community lies within that community itself, and particularly with the law students who possess the resources, energy, and desire to meet that responsibility.

One project teacher spoke about the value of the legal profession's involvement in public legal education. He said:

Those of us in the school really stand to benefit from the involvement you have initiated--the bringing together of various segments of the community to provide young

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people with the highest kind of education. We feel keen about the increased liaison between social, economic and professional agencies in our culture and the classroom. We must focus on the real needs of our young people which cannot happen when students are isolated in the schools.

We believe that the legal community stands to gain as much from the involvement as the educational community. Hopefully, the involvement of law students in such projects will encourage them to become active in public legal education and in solving other community problems throughout their legal careers.

